

Shelby County Plan Commission

September 23, 2025,
at 7:00 PM

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MEETING AGENDA

Shelby County Plan Commission
September 23, 2025

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Minutes from the July 22, 2025, meeting.

OLD BUSINESS

None.

NEW BUSINESS

RZ 25-11 – HINKLE REZONING: Rezoning of 1.476-acres from the A1 (Conservation Agricultural) District to the R1 (Single-Family Residential) District. Located at 6076 E 850 S, Saint Paul, Nobel Township.

SD 25-11 – HINKLE FAMILY SIMPLE SUBDIVISION: Simple Subdivision to create 1.476-acre, single-family building lot from a 40-acre parent tract and waivers of subdivision standards. Located at 6076 E 850 S, Saint Paul, Nobel Township.

RZ 25-12 – ANDERSON REZONING: Rezoning of 15.494-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District. Located south of and adjoining 8599 N 500 W, Fairland, Moral Township.

SD 25-12 – ANDERSON 500 W SIMPLE SUBDIVISION: Simple Subdivision of three single-family building lots (5-acres, 5-acres, & 5.494-acres) from a 75-acre parent tract and waivers of subdivision standards. Located south of and adjoining 8599 N 500 W, Fairland, Moral Township.

SD 25-10 – SUNDVALL 200 N SIMPLE SUBDIVISION: Simple Subdivision of a 5.443-acre, single-family building lot from a 9.444-acre parent tract and waiver of subdivision standards. Located west of and adjoining 7160 E 200 N, Shelbyville, Union Township.

RZ 25-13 – SIMPLE SUBDIVISION, SUBDIVISION EXEMPTIONS, DRIVEWAY QUALIFICATION TEXT AMENDMENT – Amendment of Sections 6.01, 6.02, 6.03, 11.02, 9.14 B 4, and 5.17 C 2. Applies to unincorporated Shelby County.

DISCUSSION

None.

ADJOURNMENT

The next regular meeting of the Shelby County Plan Commission is scheduled for Tuesday, **October 28, 2025**, at **7:00 PM**.

Meeting Information

Location: Conference Room 208A of the Shelby County Courthouse Annex Building, 25 West Polk Street, Shelbyville, Indiana

Time: 7PM

Zoom Link: <https://us06web.zoom.us/j/86754143551?pwd=he1ESaTpZbe7TuyuUwyrq2Kvi9howB.1>

Password: Shelby

Board Members & Staff

Kevin Carson, President: Appointed by County Commissioners, Term 1/1/25 – 1/1/29

Jason Abel, Vice President: Commissioners Representative, Term 1/1/25 – 1/1/26

Megan Hart, Secretary: Appointed by County Commissioners, Term 1/1/23 – 1/1/27

Tony Sipes, Member: Appointed by Extension Board, Term 4/1/25 – 4/1/26

Troy Merrick, Member: Council Representative, Term 1/1/25 – 1/1/26

Jeff Powell, Member: County Surveyor

Mike McCain, Member: Appointed by County Commissioners, Term 1/1/22 – January 1/1/26

Alicia Barr, Member: Appointed by County Commissioners, Term 1/1/25 – 1/1/29

Andrew Newkirk, Member: Appointed by County Commissioners, Term 1/1/25– 1/1/29

Desiree Calderella, Planning Director

Jody Butts, Board Attorney

Property Details

Location: 6076 E 850 S, Saint Paul,
Nobel Township.

Property Size: 1.476-acres.

Current Land Use: Single-Family
Residential.

Current Zoning Classification

A1 (Conservation Agricultural)

*This district is established for the protection
of agricultural areas and buildings
associated with agricultural production.*

Proposed Zoning Classification

R1 (Single-Family Residential)

*Intent: This district is established for single-
family detached, medium to large sized
homes on medium to large sized lots.*

*Plan Commission: Use this zoning district
for existing developments and carefully for
new residential development.*

Future Land Use per Comp Plan

Agriculture

*The purpose of this category is to provide
for traditional agricultural practices (such
as crop production and livestock grazing)
and modern agricultural practices (such as
agricultural research facilities and CAFOs).
Rural home sites may also occur within this
category; however, the emphasis should
remain on agriculture. New residential
subdivisions that remove prime farmland
from production should be discouraged. The
residential density of this category should
be one lot for every five acres.*

Surrounding Development

	Zoning	Land Use
North	A1	Cropland
South	A1	Cropland
East	A1	Cropland
West	A1	Cropland

Staff Report

Case Number: RZ 25-11 / SD 25-11

Case Name: Hinkle Rezoning – A1 (Conservation
Agricultural) to R1 (Single-Family
Residential) & Hinkle Family Simple
Subdivision

Requests

Rezoning of 1.476-acres from the A1 (Conservation Agricultural)
District to the R1 (Single-Family Residential) District to allow for a
one-lot Simple Subdivision.

Simple Subdivision of a 1.476-acre, single-family building lot from a
40-acre parent tract.

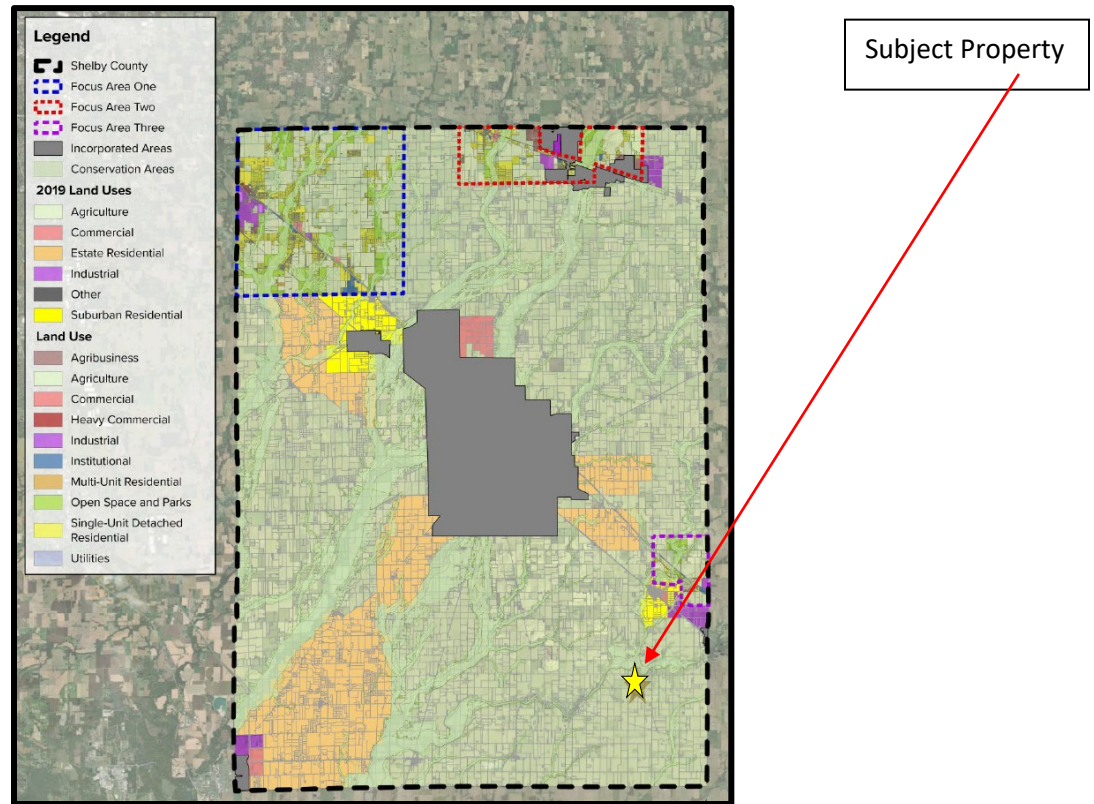
Waivers of:

1. Simple Subdivision prerequisites to allow for Simple Subdivision
of property zoned R1.
2. Simple Subdivision design standards to allow lot lines not within
a 15-degree angle to the right-of-way.

Purpose of Subdivision Code Requirement

The UDO restricts residential zoning in Simple Subdivisions to the RE
(Residential Estate) District, which prohibits lots less than two-acres,
to maintain low density residential development in rural areas. The
requirement also allows for adequate lot size for installation of a
septic system, and adequate area for a new septic system in the case
of septic system failure.

Future Land Use Map



Property Map



Case Description

- Approval of the requests would allow for subdivision of a recently constructed single-family home on a 1.476-acre lot from 40-acres of the petitioner's family farm.
- The property previously included a farmhouse and accessory structures. The petitioner demolished these structures prior to building the new home.
- The USDA Soil Survey classifies the property as 'Prime Farmland if Drained.'
- Surrounding development consists of farmhouses on large tracts of farmland and single-family homesites on 2-acre lots.

Staff Analysis Findings of Fact

Rezoning: In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

1. Current Conditions and the Character of Current Structures and Uses in Each District

The property currently includes a single-family residence and does not include any tillable ground. Approval of the rezoning would not conflict with the current use of the property.

2. The Most Desirable Use for Which the Land in Each District Is Adapted

The property has been used for single-family residential purposes and has not included any tillable ground for several decades. Approval of the rezoning would not conflict with the historical use of the property.

3. The Conservation of Property Values throughout the Jurisdiction

Approval of the rezoning would not allow any future use of the property not currently permitted in the A1 District.

4. Responsible Development and Growth

The property has access to all utilities to support residential use.

5. The Comprehensive Plan

Approval of the rezoning would not alter the residential density of the surrounding agricultural area.

Simple Subdivision: Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow for Simple Subdivision of property zoned R1.

- a. The existing homesite encompasses less than two acres. Requiring the RE zoning with a 2-acre minimum lot size would result in the incorporation of existing tillable ground into the lot.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow lot lines not within a 15-degree angle to the right-of-way.
 - a. Requiring side lot lines within a 15-degree angle to the right-of-way would result in the incorporation existing tillable ground into the lot.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primary because to residential zoning would not conflict with the current or historical use of the property.

Applicant/Owner Information

Applicant:	Noah Hinkle 6076 E 850 S Saint Paul, IN 47272	Surveyor:	Scott T Sumerford 3149 N Riley Hwy. Shelbyville, IN 46176
Owner:	Hinkle Family Farms 115 Round Up Trail Fishers, IN 46038		

Property Details

Location: South of and adjoining 8599 N 500 W, Fairland, Moral Township.

Property Size: 15.494-acres.

Current Land Use: Natural Resources.

Current Zoning Classification

A1 (Conservation Agricultural)

This district is established for the protection of agricultural areas and buildings associated with agricultural production.

Proposed Zoning Classification

A2 (Agricultural)

This district is established for general agricultural areas and buildings associated with agricultural production.

Future Land Use per Comp Plan

Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A1	Agriculture
South	A1	Cropland / Woodland / Estate Residential
East	A1	Cropland
West	A1	Cropland / Woodland

Staff Report

Case Number: RZ 25-12 / SD 25-12

Case Name: Anderson Rezoning – A1 (Conservation Agricultural) to A2 (Agricultural) & Anderson 500 W Simple Subdivision

Requests

Rezoning of 15.494-acres from the A1 (Conservation Agricultural) District to the A2 (Agricultural) District to allow for a three-lot Simple Subdivision.

Simple Subdivision of three single-family building lots (5-acres, 5-acres, & 5.494-acres) from a 75-acre parent tract.

Waivers of:

1. Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.
2. Simple Subdivision design standards to allow one lot having a width and road frontage of 40-feet (minimum lot width of 120-feet required and minimum road frontage of 50-feet required).

Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

The minimum road frontage and minimum lot width requirements discourage the creation of 'flag lots.' Homes on flag lots may not have visibility from the public road causing difficulty for visitors or emergency vehicles in locating the house from the road.

Legend

- Shelby County
- Focus Area One
- Incorporated Areas
- Conservation Areas

Land Use

- Agribusiness
- Agriculture
- Commercial
- Heavy Commercial
- Industrial
- Institutional
- Multi-Unit Residential
- Open Space and Parks
- Single-Unit Detached Residential
- Utilities

Subject Property

An aerial photograph of a rural area in Moravia, NY. A large, irregularly shaped parcel of land is outlined in red. This parcel is primarily covered in dense, dark vegetation, likely trees or brush. To the left of the red-outlined parcel is a large, open, light-brown field. A road, labeled '500 W' in green text, runs vertically along the right side of the image. Another road, labeled 'MORAVIA TWP' in black text, runs horizontally across the middle. A small, dark, rectangular object, possibly a building or a small pond, is visible near the intersection of the roads. The area is divided into several sections by yellow lines, which may represent property boundaries or survey lines. The overall terrain appears to be a mix of agricultural fields and wooded areas.

Case Description

- Approval of the requests would allow for development of three single-family residential building lots. Proposed Lot 1 is 5.494-acres, proposed Lot 2 is 5-acres, and proposed Lot 3 is 5-acres.
- Proposed Lot 1 requires a waiver from the minimum lot width and road frontage requirement for the A2 District. Lot 1 sits behind Lot 2 and would have access to CR 500 W through a 40-foot-wide strip of land included with the lot. The lots within the subdivision comply with all other dimensional requirements of the A2 District.
- The petitioner has chosen to request a waiver to allow the lots to have A2 zoning rather than RE zoning to allow for expanded options for agricultural use of the lots.
- Historical aerial photography shows that woodland has covered the property for over seventy-five years.
- The surrounding area includes cropland, a 1-acre single-family residential lot, and a 25-acre single-family residential lot.
- The USDA Soil Survey classifies the property as 'Prime Farmland if Drained.'
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for any new single-family residence.

Staff Analysis Findings of Fact

Rezoning: In accordance with IC 36-7-4-603 and the UDO, when considering a rezoning, the Plan Commission shall pay reasonable regard to:

1. Current Conditions and the Character of Current Structures and Uses in Each District

The property has not included any tillable ground for over seventy-five years. Development of the lots for residential purposes in compliance with code requirements would not impact continued use of adjacent property for agricultural purposes.

2. The Most Desirable Use for Which the Land in Each District Is Adapted

Approval of the rezoning would allow for residential development of three desirable wooded lots and would not remove any farmland from production.

4. Responsible Development and Growth

The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for any new single-family residence.

5. The Comprehensive Plan

Approval of the rezoning would allow for residential development at a density of one lot per five acres as recommended for agricultural areas by the Comprehensive Plan.

Simple Subdivision: Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow Simple Subdivision of property zoned A2.
 - a. A2 zoning is consistent with the agricultural zoning of surrounding properties, surrounding agricultural land uses, and the agricultural land use recommendation of the Comprehensive Plan.
3. The subdivision of land satisfies the standards of Article 07: Design Standards, pending approval of a waiver to allow Lot 1 to have a width and road frontage of 40-feet.
 - a. Inadequate road frontage exists along the existing wooded area to create three lots. The waiver would allow for development of an additional lot in desirable woodland, without removing any farmland from production.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

Staff recommends **APPROVAL of the Rezoning and Simple Subdivision** primarily because approval would allow for residential development of three desirable wooded lots and would not result in the removal of farmland from production.

Applicant/Owner Information

Applicant: Brandon Anderson
8516 N 600 W
Fairland, IN 46126

Surveyor: Powell Land Surveying LLC
4634 N 575 E
Shelbyville, IN 46176

Owner: Brandon & Nesha Anderson

Anderson 500 West Simple Subdivision

The South Half of the Northeast Quarter of Section 20, Township 14 North, Range 6 East, in Moral Township, Shelby County, Indiana.

Owner & Client: Brandon S. & Nesha D. Anderson
Site Address: 8599 North, 500 West, Fountaintown, IN 46176

Parent description of the lands owned by Brandon S. & Nesha D. Anderson recorded in Instrument 2023000839.
The South Half of the Northeast Quarter of Section 20, Township 14 North, Range 6 East, containing eighty (80) acres, more or less, situated in Moral Township, Shelby County, Indiana.
More commonly known as 500 West, Fountaintown, Indiana. [Parcel No. 73-02-20-300-009.000-013]

EXCEPT THEREFROM the following described 5,000 acre tract of lands owned by James & Nicole Mcatee recorded in Instrument 20240001650.
A part of the South half of the Northeast Quarter of Section 20, Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana, being created from a survey (Job # 29-2024), dated 3-31-2024 by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of said half-quarter section, said point being a railroad spike per the Shelby County ties, thence North 00 degrees 01 minutes 25 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of said quarter section a distance of 862.04 feet to a mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence South 89 degrees 18 minutes 07 Seconds West a distance of 543.15 feet to a Powell capped rebar; thence North 00 degrees 01 minutes 25 Seconds West a distance of 401.00 feet to a Powell capped rebar; thence North 89 degrees 18 minutes 07 Seconds East a distance of 543.15 feet to a mag nail with a Powell washer set on the East line of the quarter section; thence South 00 degrees 01 minutes 25 Seconds East along the East line of the said quarter section a distance of 401.00 feet to the point of beginning of the tract herein described, containing 5.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of Lot #1 split per this subdivision.
A part of the South half of the Northeast Quarter of Section 20, Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana, being created from a survey (Job # 29-2024), dated 3-31-2024 by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of said half-quarter section, said point being a railroad spike per the Shelby County ties, thence North 00 degrees 01 minutes 25 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of said quarter section a distance of 20.00 feet to a mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence South 89 degrees 17 minutes 59 Seconds West a distance of 1037.03 feet to a Powell capped rebar; thence North 00 degrees 01 minutes 25 Seconds West a distance of 441.00 feet to a Powell capped rebar; thence North 89 degrees 17 minutes 59 Seconds East a distance of 493.88 feet to a Powell capped rebar; thence South 00 degrees 01 minutes 25 Seconds East a distance of 401.00 feet to a Powell capped rebar; thence North 89 degrees 17 minutes 59 Seconds East a distance of 543.15 feet to a mag nail with a Powell washer set on the East line of the quarter section; thence South 00 degrees 01 minutes 25 Seconds East along the East line of the said quarter section a distance of 40.00 feet to the point of beginning of the tract herein described, containing 5.494 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of Lot #2 split per this subdivision.
A part of the South half of the Northeast Quarter of Section 20, Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana, being created from a survey (Job # 29-2024), dated 3-31-2024 by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of said half-quarter section, said point being a railroad spike per the Shelby County ties, thence North 00 degrees 01 minutes 25 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of said quarter section a distance of 60.00 feet to a mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence South 89 degrees 17 minutes 59 Seconds West a distance of 543.15 feet to a Powell capped rebar; thence North 00 degrees 01 minutes 25 Seconds West a distance of 401.00 feet to a Powell capped rebar; thence North 89 degrees 17 minutes 59 Seconds East along the East line of the said quarter section a distance of 40.00 feet to the point of beginning of the tract herein described, containing 5.494 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Seconds East a distance of 543.15 feet to a to a mag nail with a Powell washer set on the East line of the quarter section; thence South 00 degrees 01 minutes 25 Seconds East along the East line of the said quarter section a distance of 401.00 feet to the point of beginning of the tract herein described, containing 5.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Description of Lot #3 split per this subdivision.
A part of the South half of the Northeast Quarter of Section 20, Township 14 North, Range 6 East, Moral Township, Shelby County, Indiana, being created from a survey (Job # 29-2024), dated 3-31-2024 by Jeffery Powell and being more particularly described as follows:
Commencing at the Southeast corner of said half-quarter section, said point being a railroad spike per the Shelby County ties, thence North 00 degrees 01 minutes 25 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the East line of said quarter section a distance of 461.00 feet to a mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence South 89 degrees 17 minutes 59 Seconds West a distance of 543.15 feet to a Powell capped rebar; thence North 00 degrees 01 minutes 25 Seconds West a distance of 401.05 feet to a Powell capped rebar; thence North 89 degrees 18 minutes 07 Seconds East a distance of 543.15 feet to a mag nail with a Powell washer set on the East line of the quarter section; thence South 00 degrees 01 minutes 25 Seconds East along the East line of the said quarter section a distance of 401.03 feet to the point of beginning of the tract herein described, containing 5.000 Acres more or less and being subject to any and all easements, right of ways and restrictions.

Surveyor's Report:
This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments. Occupation or possession lines. Clarity or ambiguity of the record description used and / or adjoiner's description. This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

Purpose of the survey:
The purpose of this survey is to establish the South half of the Northeast quarter being owned by Brandon S. & Nesha D. Anderson recorded in Instrument 2023000839 and to split off 3 lots per this survey and per the owners instructions. The field work was performed on March 15, 2024 and other dates.

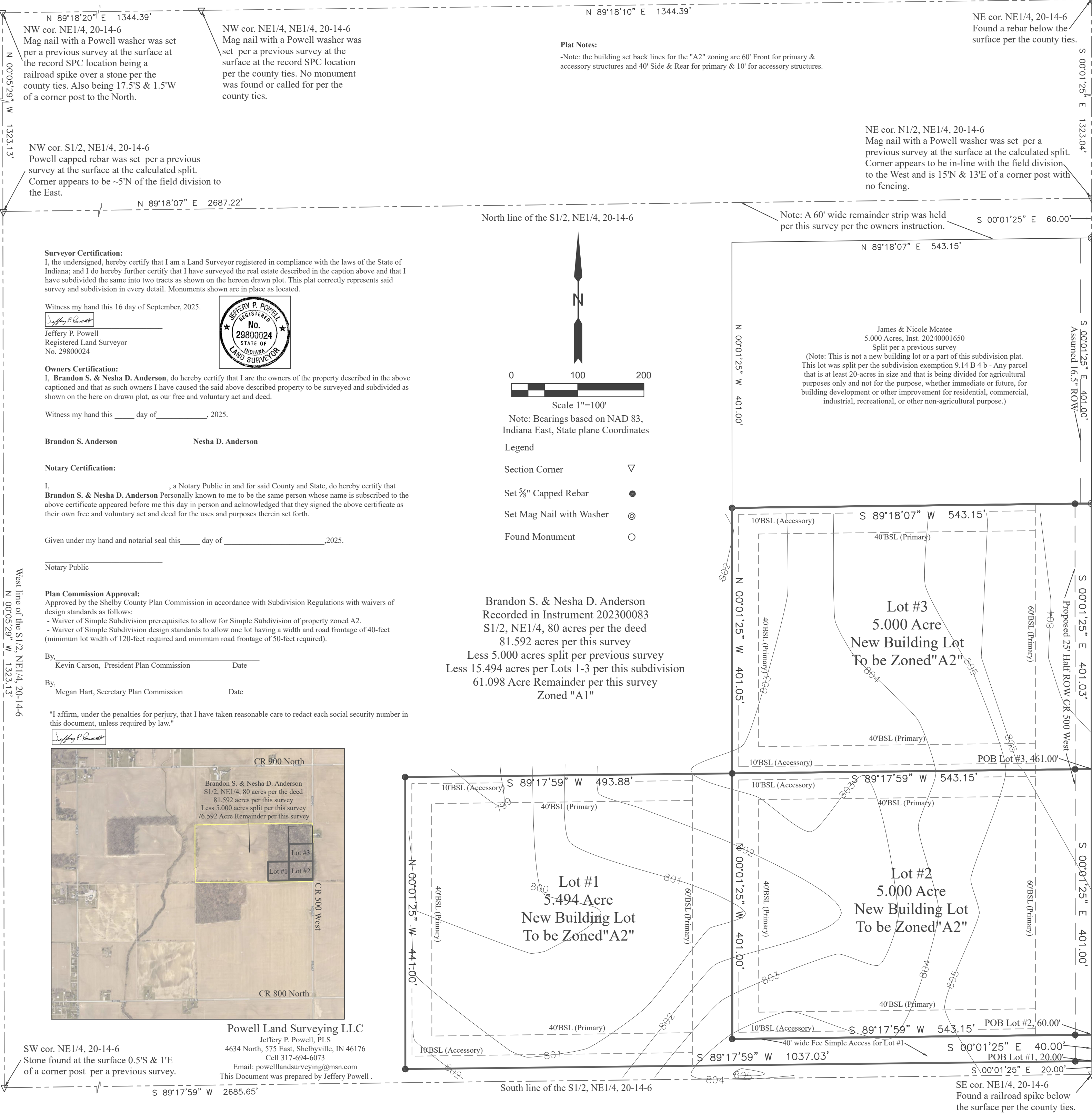
Availability and condition of the reference monuments:
The section corner monuments held, found or established per this survey, were per a previous survey preformed by me for Hill dated 4-17-2017 and are as indicated on the survey plat or within this report. The Northeast and Northwest corners of the South half-quarter section were established per the midpoint split.

Occupation or possession lines:
No occupation lines were located along the outer boundaries of the parent tract due to it not being the focus of this survey. CR 500 West is along the East line and there are no other existing occupation lines around the 5.000 acre split created per this survey. The occupation or possession lines found per this survey are as indicated on the survey plat and within this report.

Clarity or ambiguity of the record description used and / or adjoiner's description:
There were no ambiguities found per this survey, the South half of the Northeast quarter is owned by Brandon S. & Nesha D. Anderson recorded in Instrument 2023000839.

Relative position accuracy of Measurements:
This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million and is subject to the uncertainties of this survey.

Flood Hazard Statement:
The surveyed tract is located in a special flood hazard ZONE X per the FEMA Flood Insurance rate map number 18145C0020C, the accuracy of this flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.



Property Details

Location: West of and adjoining
7160 E 200 N, Shelbyville, Union
Township.

Property Size: 5.443-acres.

Current Land Use: Vacant.

Current Zoning Classification

A2 (Agricultural)

This district is established for general agricultural areas and buildings associated with agricultural production.

Future Land Use per Comp Plan

Agriculture

The purpose of this category is to provide for traditional agricultural practices (such as crop production and livestock grazing) and modern agricultural practices (such as agricultural research facilities and CAFOs). Rural home sites may also occur within this category; however, the emphasis should remain on agriculture. New residential subdivisions that remove prime farmland from production should be discouraged. The residential density of this category should be one lot for every five acres.

Surrounding Development

	Zoning	Land Use
North	A2	Estate Residential
South	A1	Cropland
East	A1	Estate Residential
West	A1	Cropland

Staff Report

Case Number: SD 25-10

Case Name: Sundvall 200 N Simple Subdivision

Request

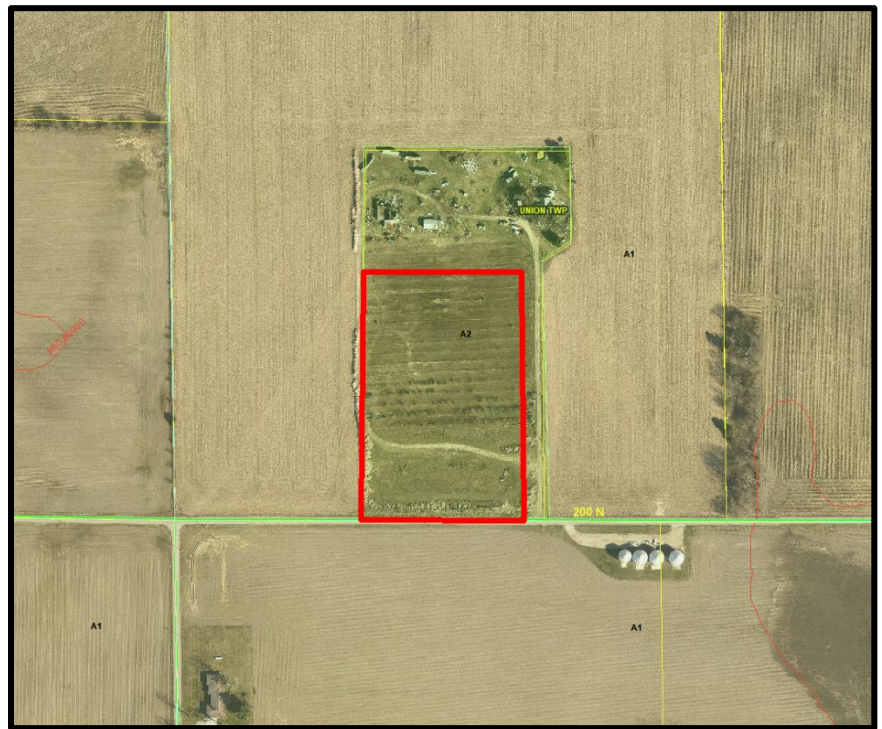
Simple Subdivision of a 5.443-acre, single-family building lot from a 9.444-acre parent tract.

Waiver of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2.

Purpose of Subdivision Code Requirement

The UDO requires RE zoning for properties in residential Simple Subdivisions to limit use of lots for intense agricultural uses that may pose a nuisance to adjacent residential properties. For example, the UDO allows agritourism and keeping of large numbers of animals on property in the A2 District, however, prohibits these uses in the RE District.

Property Map



Case Description

- Approval of the requests would allow for development of one, 5.443-acre single-family residential building lot. The petitioner currently has an offer of purchase of the lot, pending approval of the Simple Subdivision.
- The property previously included an orchard. Prior to use as an orchard, the property was used for crop production.
- Surrounding development consists of farmhouses on large tracts of farmland and single-family homesites on lots ranging from 3-acres to 5-acres.
- In 2024, the petitioner requested a Rezoning and Simple Subdivision to subdivide the property into two building lots. The Plan Commission denied this request.
- The Technical Advisory Committee (TAC) / Site Plan Review Committee would review a detailed site plan including structure layout, elevation of development, drainage infrastructure, and septic system design for compliance with County codes prior to issuance of permits for a new single-family residence.
- Property History
 - In April of 2024, the petitioner purchased the subject property and adjacent residential lot to the north as one land parcel. The petitioner split the property by survey and sold the parcel to the north. The Plan Commission did not review or approve this subdivision. Therefore, it does not qualify as a legal Simple Subdivision of property and created two illegal parcels ineligible for development.
 - Approval of the request would legally establish the property owner by the petitioner as a building lot. The owner of the parcel to the north has chosen not to participate in the request, therefore their lot will remain ineligible for new development.
 - In August of 2024, the petitioner requested a rezoning of the subject property to RE (Residential Estate) to allow for Simple Subdivision of the property into two building lots. The request also included the adjacent property to the north. The Plan Commission chose to deny the rezoning after significant public opposition.
 - Retroactive approval of the lot as a building lot without including the property to the north complies with the County's subdivision requirements, other than that the zoning of the property would remain A2 rather than approval of a rezoning to RE. State code requires that the Plan Commission approve any subdivision of property that complies with local subdivision code. Therefore, if the Plan Commission chooses to deny the request or place stipulations on approval, the property remaining zoned A2 must support that decision.

Staff Analysis Findings of Fact

Staff has reviewed the proposed plat and has determined:

1. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
2. The subdivision of land satisfies the development requirements of Article 06: Subdivision Types, pending approval of a waiver to allow for Simple Subdivision of property zoned A2.

- a. A2 zoning is consistent with the agricultural zoning of surrounding properties, surrounding agricultural land uses, and the agricultural land use recommendation of the Comprehensive Plan.
3. The subdivision of land satisfies the standards of Article 07: Design Standards.
4. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance.
5. The subdivision of land satisfies the construction requirements of Shelby County's Construction Standards.

Staff Recommendation

Per State Code, the Plan Commission must approve any subdivision of property that complies with local subdivision code. The proposed subdivision complies with local subdivision code other than that the zoning of the property would remain A2. A2 zoning is consistent with the agricultural zoning of surrounding properties, surrounding agricultural land uses, and the agricultural land use recommendation of the Comprehensive Plan.

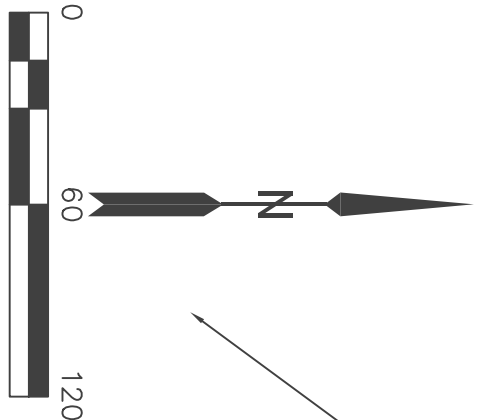
Staff recommends **APPROVAL**.

Applicant/Owner Information

Applicant:	Frank Sundvall PO Box 1 Shelbyville, IN 46176	Surveyor:	Powell Land Surveying LLC 4634 N 575 E Shelbyville, IN 46176
Owners:	Same		

Hudson Family Farms Irrevocable Trust
30.56 Acres, Instr. 2012000419
(Being a part of the W1/2, SW1/4, 21-1-3-8 with the exception of the 9.44 acre parent tract per this survey.)

S 89°50'40" E 495.17'



Note: Bearings based on NAD 83, Indiana East, State plane Coordinates

Matthew Logan & Sarah E. Sparks
Inst. 2024000655
4,000 Acres Tract Split per a previous Survey Inst. #2024000
(Being the existing homestead site and remaining tract not included in this subdivision. This tract does not qualify as a legal building lot.)

Section Corner
Set 3/8" Capred Rebar
Set Mag Nail
Found Monument

Powell Land Surveying LLC
Jeffery P. Powell, PLS
4634 North, 575 East, Shelbyville, IN 46176
Phone 317-694-6073
Email: powellandsurveying@msn.com

This Document was prepared by Jeffery Powell
I, affirm, under the penalties for perjury, that I have taken reasonable care to reduce each social security number in this document, unless required by law."

Jeffery P. Powell

Owners: Frank Sundvall
Client: Frank Sundvall
Site Address: West of 7160 East, 200 North, Shelbyville, IN 46176

Frank Sundvall
Instrument 2024001708
5.443 Acres
(Being the proposed Lots 1)

Lot #1
5.443 Acres

Proposed House Area

Proposed Septic Area

Proposed Septic Area

SW cor., SW 1/4, 21-13-8
Found a mag nail at the surface assumed to be over the stone referenced per the County ties and reasonably agreed with the record coordinates. NAD 83, Indiana East, State plane Coordinates Grid, N:1568532.167, E:332677.403'

Found a 1/4" rebar 8" below grade 17.8' N of the cal. corner & 0.1' W of the line.

SE cor., SW 1/4, 21-13-8
Found a Shelby County Monument 9" below grade set by Larry May in 1984 at the record distance of 333.3' (10 1/5 rods) East of a property corner stone being 14" below grade also found per this survey, both being referenced in the Webster section notes for 21-13-8.
NAD 83, Indiana East, State plane Coordinates Grid, N:1568529.718', E:335357.991'

Found a 5/8" Pace capped rebar 4" below grade 16.35' N of the cal. corner & on the line.

Found a 5/8" Pace capped rebar 2" below grade laid per this survey being 0.355' & 0.126' of the cal. corner.

Parent description of the 5.443 acre tract, being the parent tract per this subdivision and now owned by Frank Sundvall, recorded in Instrument 2024001708. (Parcel No. 73-08-21-300-002-000-019)
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (d/b # 2023-77) and being more particularly described as follows:

Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter section a distance of 445.19 feet to a mag nail with a Powell washer set at Southwest corner of a 9.44 acre tract described in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3, and said point also being the point of beginning of the tract herein described, thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 9.44 acre tract a distance of 602.98 feet to a Powell capped rebar, thence South 89 degrees 56 minutes 52 seconds East a distance of 384.76 feet to a Powell capped rebar, thence South 00 degrees 26 minutes 16 seconds East a distance of 602.88 feet to a mag nail with a Powell washer set on the South line of the said quarter section, thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 401.86 feet to the point of beginning, containing **5.443 acres** more or less and being subject to any and all easements, right of ways and restrictions.

Parent description of the 4,000 acre tract split per the previous survey now owned by Matthew Logan & Sarah E. Sparks, recorded in Instrument 2024000655. (Parcel No. 73-08-21-300-005-000-019)
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (d/b # 2023-77) and being more particularly described as follows:

Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter section a distance of 847.05 feet to a mag nail with a Powell washer set at the point of beginning of the tract herein described, thence North 00 degrees 26 minutes 16 seconds West a distance of 602.88 feet to a Powell capped rebar, thence North 89 degrees 56 minutes 52 seconds East a distance of 384.76 feet to a Powell capped rebar set on the West line of a 9.44 acre tract described in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3, and said point also being the point of beginning of the tract herein described, thence North 01 degrees 11 minutes 11 seconds East a distance of 295.32 feet to a Powell capped rebar, (2) thence South 89 degrees 56 minutes 52 seconds East a distance of 495.17 feet to a Powell capped rebar, (3) thence South 00 degrees 26 minutes 52 seconds East a distance of 224.05 feet to a Powell capped rebar, (4) thence South 57 degrees 26 minutes 08 seconds West a distance of 82.71 feet to a found Pace Engineering capped rebar set per the original survey of the said 9.44 acre tract, (5) thence South 00 degrees 26 minutes 16 seconds East a distance of 628.65 feet to a mag nail with a Powell washer set on the South line of the said quarter section, thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 30.00 feet to the point of beginning, containing **4,000 acres** more or less and being subject to any and all easements, right of ways and restrictions. More commonly known as 7160 East 200 North, Shelbyville, Indiana 46176.

Description of Lot #1 (5.443 Acres) being the lands owned by Frank Sundvall, recorded in Instrument 2024001708 per this subdivision.
A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, of the Second Principal Meridian, situated in Union Township, Shelby County, Indiana and being created from a survey by Jeffery Powell (d/b # 2023-77) and being more particularly described as follows:

Commencing at the Southwest corner of the said Southwest quarter section said point being a mag nail over a stone per the Shelby County ties, thence South 89 degrees 56 minutes 52 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the South line of the said quarter section a distance of 445.19 feet to a mag nail with a Powell washer set at Southwest corner of a 9.44 acre tract described in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3, and said point also being the point of beginning of the tract herein described, thence North 01 degrees 11 minutes 11 seconds East along the West line of the said 9.44 acre tract a distance of 602.98 feet to a Powell capped rebar, thence South 89 degrees 56 minutes 52 seconds East a distance of 384.76 feet to a Powell capped rebar, thence South 00 degrees 26 minutes 16 seconds East a distance of 602.88 feet to a mag nail with a Powell washer set on the South line of the said quarter section, thence North 89 degrees 56 minutes 52 seconds West along the South line of the said quarter section a distance of 401.86 feet to the point of beginning, containing **5.443 acres** more or less and being subject to any and all easements, right of ways and restrictions.

[Parcel No. 73-08-21-300-002-000-019]

Surveyor's Report:
This report is in accordance with Title 865, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments, Occupation or possession lines, Clarity or ambiguity of the record description used and / or adjointer's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 feet per million.

Purpose of the survey:

The purpose of this survey is to establish the 5.443 acre tract as a building lot per this subdivision. The lands are owned by Frank Sundvall, recorded in Instrument 2024001708. Lot #1 per this subdivision is to retain the "A2" zoning. The field work was performed on September 19, 2023 and other dates.

Availability and condition of the reference monuments:

The following corners were found and held to establish the South line of the Southwest quarter of Section 21, Township 13 North, Range 8 East per this survey:

-SW cor., SW 1/4, 21-13-8, Found a mag nail at the surface assumed to be over the stone referenced per the County ties and reasonably agreed with the record coordinates

-SE cor., SW 1/4, 21-13-8, Found a Shelby County Monument 9" below grade set by Larry May in 1984 at the record distance of 333.3' (10 1/5 rods) East of a property corner stone being 14" below grade also found per this survey, both being referenced in the Webster section notes for 21-13-8 found in the Shelby County Surveyor's Office and the remaining corners were established per the geodetic of the 9.44 acre tract described in Instrument 2023003120, being created per the original survey by Pace Engineering recorded in Shelby County Recorded Office in Survey Book 2, page 472-3

-The monuments shown on the survey plat and the uncertainty associated with the said corners are represented on the herein drawn survey plat and within this report by Record vs. Measured vs. Calculated. All monuments were found or set as indicated on the survey plat or within this report.

Occupation or possession lines:

County Road 200 North is along the South side and there were no other occupation lines found per this survey. The new South lines of the Lot #1, 5,000 acre tract and the Lots #2 & 3 created per this survey are per the owners instructions. The occupation or possession lines found per this survey are as indicated on the survey plat and within this report.

Clarity or ambiguity of the record description used and / or adjointer's description:

There were no ambiguities found within the record descriptions used. The previous survey recorded in Instrument 202400588 held the record geometry of the 9.44 acre tract except for the 2 Pace capped rebars that were found along the East line that were held and adjusted to per this survey. The adjacent lands to the North, East and West owned by Hudson Family Farms Irrevocable Trust recorded in Instrument 2012000419 describe the West Half of the Southwest Quarter 21-13-8 with the exception of the 9.44 acre parent tract per this survey.

Relative position accuracy of Measurements:

This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 feet per million.

Flood Hazard Statement:

The proposed building Lot #1 is located in a special Flood hazard ZONE X, per the FEMA Flood Insurance rate map number 18145C0145D, the accuracy of this Flood hazard statement is subject to map scale uncertainty in location or elevation on the referenced flood insurance rate map.

Plat Notes:

-Note: the building set back lines for the "A2" zoning are 60' Front for primary & accessory structures and 40' Side & Rear for primary & 10' for accessory structures.

Sundvall 200 North Simple Subdivision

A part of the West Half of the Southwest Quarter of Section 21, Township 13 North, Range 8 East, in Union Township, Shelby County, Indiana

Surveyor Certification:

I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana, and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into two tracts as shown on the herein drawn plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

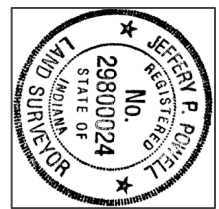
Witness my hand this 16th day of September, 2025.

Jeffery P. Powell

Jeffery P. Powell

Registered Land Surveyor

No. 29800024



Owners Certification:

I, **Frank Sundvall**, do hereby certify that we are the owners of the property described in the above captioned and that as such owners we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this ____ day of ____ 2025.

Frank Sundvall

Notary Certification:

I, _____, a Notary Public in and for said County and State, do hereby certify that **Frank Sundvall**, personally known to me to be the same person whose name is subscribed to the above certificate appeared before me this day, in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this ____ day of ____ 2025.

Notary Public

Plan Commission Approval:

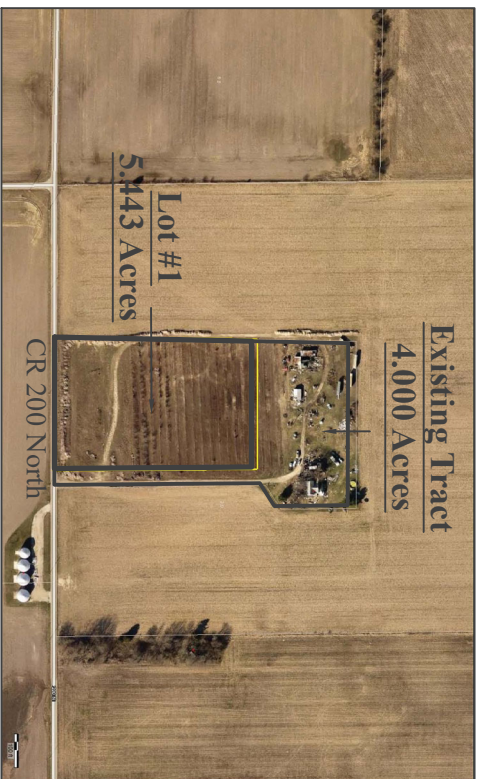
I, _____, Shelby County Plan Commission in accordance with Subdivision Regulations with the following waiver: Of Simple Subdivision prerequisites to allow for Simple Subdivision of property zoned A2

By, _____ Date _____

Kevin Carson, President Plan Commission

By, _____ Date _____

Megan Hart, Secretary Plan Commission



Shelby County Plan Commission

Memo

To: Shelby County Plan Commission

From: Desiree Calderella, Planning Director

RZ 25-13: UDO Amendment – Simple Subdivision, Subdivision Exemptions, Driveway Qualification

Background

The Shelby County Commissioners initiated the ordinance amendment process for the purpose of allowing subdivision of property in the manner that the County has permitted over the past several years without necessitating the approval of subdivision waivers and variances. The Plan Commission and BZA have placed stipulations on waiver and variance approval, sometimes determined at a meeting and resulting in inconsistent application of requirements. The ordinance standards address this problem by providing a uniform set of standards that would apply to all subdivision of property.

Ordinance Review Process

The Planning Director wrote the initial ordinance draft. She referenced prior subdivision approvals and the following ordinances: Putnam County UDO, Bargersville UDO, and Morgan County UDO. An ordinance review committee of stakeholders reviewed the draft and provided additional recommendations. Members included Desiree Calderella (Planning Director), David Lawson (Commissioners Representative), Jeff Powell (Plan Commission Representative / local surveyor), Scott Sumerford, (local surveyor), and Jody Butts (Plan Commission Attorney).

Proposed Ordinance Contents

25 W Polk St, Shelbyville, IN 46176
T: 317-392-6338 W: <https://www.co.shelby.in.us/plan-commission/>

Simple Subdivision Standards

The new Simple Subdivision standards do not exist in the current ordinance and replace the existing Simple Subdivision standards. The following table summarizes the revisions.

	Current Simple Sub. Standards	Revised Simple Sub. Standards
Maximum Number of Building Lots	3 plus a buildable remainder lot	
Minimum Parent Tract Size	6-acres	No minimum
Minimum Lot Size	2-acres	1-acre
Minimum Road Frontage	Road frontage required in the zoning district – typically 160-feet	Road frontage required in the zoning district with exceptions: <ul style="list-style-type: none">• 40-feet if lot complies with new standards for a ‘flag lot’• No road frontage if driveway and access easement provided in accordance with new ordinance requirements
Suitable site for a septic system located by soil analysis prior to application for subdivision	Not required	Required

The new shared driveway standards require adequate driveway width to accommodate two vehicles using a driveway simultaneously, adequate property identification and emergency vehicle turn-around for properties accessed by long driveways, and proof of access easement and driveway maintenance agreement.

The new Simple Subdivision standards will continue to require Plan Commission approval of all Simple Subdivisions and approval of a rezoning if the new lots will not comply with minimum lot size of the current zoning district. The 5-year suspension on re-subdivision will also continue to apply. Subdivision of property into more than 3 lots plus a buildable remainder will continue to require Plan Commission approval of a major subdivision.

Subdivision Exemptions

Subdivision Exemptions allow for certain types of division of property without Plan Commission approval. Most common types include division of property for agricultural purposes, property line adjustments not resulting in the creation of additional building lots, and subdivision of existing farmhouses from farmland. The revisions include few substantive changes, however, clarify the requirements and close loopholes.

Shared Driveways

Increases the number of residential lots that can use a shared driveway from two (2) lots to four (4) lots. A driveway shared by five (5) or more lots must comply with the standards for a public street (increased width, paved, etc.).

Approval Process

Approval of the Ordinance requires a public hearing before the Plan Commission and an approval, denial, or approval with conditions recommendation of the document by the Plan Commission to the County Commissioners. The County Commissioners may then adopt the final ordinance, deny the final ordinance, or send the ordinance back to the Plan Commission with amendments for consideration. This month's Plan Commission agenda includes the first public hearing on the ordinance. The Planning Director will make any changes requested by the Plan Commission and bring the ordinance back for a second public hearing and final vote at the October Planning Commission meeting.

6.01 Simple Subdivision Intent

The Simple Subdivision type is intended to provide a development option with the following features:

Land Use

- As per this Unified Development Ordinance

Applicability

- Lot splits creating up to 3 lots, excluding any remainder parcel.

Pedestrian Network

- n/a

Vehicular Network

- Connectivity to land behind frontage lots
- Assure separation of driveways
- Limit driveway cuts onto public roads.

Site Feature Preservation

- Strive to save existing quality tree stands
- Preserve prime farmland and agricultural road frontage by providing flexibility in subdivision regulations so that residential lots in agricultural areas may be made as small as possible and located on less productive portions of the property.

Incentives

- n/a

6.02 Simple Subdivision Prerequisites

Base Zoning or Commitment for Rezoning

- A2, A3, A4, or RE, R1, R2, VR

Minimum Parent Tract:

- no minimum

Maximum Parent Tract:

- No maximum

Disqualification:

- Any subdivision with internal streets or other public improvement, common area, or amenity center shall not qualify as a Simple Subdivision.
- Any parent tract within a platted subdivision.
- Any parent tract created by a boundary line adjustment after October 18, 2008 in which the zoning of the tract was adjusted allowing for the creation of additional conforming lots through Simple Subdivision of the tract than possible before adjustment of the property lines. The Zoning Administrator may waive this disqualification if he/she determines that subdivision of the property would not conflict with the surrounding area or Comprehensive Plan.

Additional Design Standards that Apply

Development Name Standards (DN)

- DN-01Page 7-13

Easement Standards (EA)

- EA-01Page 7-14

Entryway Feature Standards (EF)

- EF-01Page 7-18

Erosion Control Standards (EC)

- EC-01Page 7-19

Floodplain Standards (FP)

- FP-01Page 7-19

Monument and Marker Standards (MM)

- MM-01Page 7-19

Owner Association Standards (OA)

- OA-01Page 7-19

Prerequisite Standards (PQ)

- PQ-01Page 7-19

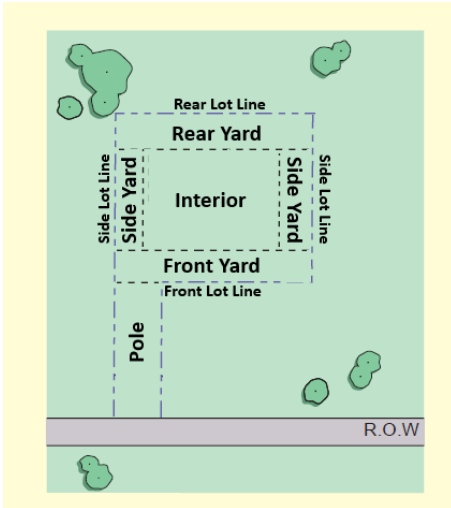
6.03 Simple Subdivision Standards

- A. Lot Standards: The following lot standards supersede the minimum lot area, minimum lot width, and minimum lot frontage of the underlying zoning district.
1. Minimum Lot Area:
 - a. In zoning districts A2, A3, A4, and RE the minimum lot area shall be the lot area required in the zoning district, excluding any area included in the pole of a flag lot.
 - b. In zoning district R1, R2, and VR the minimum lot area shall be one (1) acre, excluding any area included in the pole of a flag lot.
 - c. Lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum required lot area. This space shall be allocated on the side of the property that abuts the water feature as a “no-disturb” zone.
 - d. The Plan Commission shall not grant any waiver to reduce the minimum lot area.
 2. Minimum Lot Width: Minimum lot width required in the zoning district.
 3. Minimum Road Frontage: Forty (40) feet. Lots may have no road frontage if access is provided in accordance with *Section 6.03 B 3: Private Driveways*.
 4. Flag Lot Standards: The following standards apply to flag lots.
 - a. The interior portion of a flag lot shall comply with the minimum lot area and lot width requirements of the zoning district.
 - b. The pole of a flag lot shall have a continuous width of at least 40-feet.
 - c. The length of the pole of a flag lot shall not be less than 200-feet.
 - d. The pole of a flag lot shall not be generally parallel to the public street which it gains access, unless the pole is separated from the public street by a distance of at least 200 feet.
 - e. The pole of the flag lot shall remain part of the flag lot in perpetuity. The Simple Subdivision plat or survey shall include a restriction prohibiting subdivision of the pole from the lot.
 - f. Structures shall not be permitted in the pole of a flag lot. The Simple Subdivision plat or survey shall include a ‘no-structure’ easement over the area of the pole.
 - g. An existing flag lot shall not be subdivided into an additional flag lot.
 - h. Adjoining flag lots are prohibited.
 5. Remainder Parcel: Any parcel remaining after Simple Subdivision of property shall comply with the development standards of the zoning district and be eligible for use and development permitted in the zoning district.
- B. Access: All lots shall have access to a public road by a driveway.
1. Cross Reference: Driveways shall comply with *Section 6.03 B: Access*, *Section 5.17: General Driveway Standards*, and all driveway standards applicable to the zoning district. In the case of conflicting restrictions, the standards of *Section 6.03 B: Access* shall apply.
 2. Public Road: Lots with road frontage may have direct access by a driveway to the public road or access to a public road through to a private driveway on adjoining property which complies with the requirements of *Section 6.03 B 2: Private Driveway*.
 3. Private Driveway: Lots without road frontage shall have access to a public road through a private driveway on adjoining property which complies with the following standards:
 - a. Private driveways shall be paved or gravel.
 - b. Private driveways shall have a minimum width of 20-feet from the centerline of the public road to a distance of 25-feet past the right-of-way line as proposed in the Shelby County Thoroughfare Plan. The width of the remaining portion of the driveway shall comply with the driveway width standard applicable to the zoning district.

- c. Private driveways greater than 750-feet in length, measured from the right-of-way line as proposed in the Shelby County Thoroughfare Plan to the garage of the last house utilizing the driveway, shall have a paved or gravel vehicle pull-off 500-feet from the right-of-way line as proposed in the Shelby County Thoroughfare Plan, and a paved or gravel vehicle pull-off every 500-feet thereafter. Each vehicle pull-off shall be a minimum of 9-feet wide and 50-feet long.
- d. The fee-simple owner of any private driveway passing over an intermittent stream, ravine, or similar topographic feature shall have the responsibility of installing an adequate structure or fill and culvert to carry traffic.
- e. Private Driveway Easement: Private driveways shall be located in a Private Driveway Easement having a continuous width of at least 40-feet. The property owner of record (“grantor”) shall execute a private driveway easement instrument in favor of the owner of the lot or lots (“grantee”) to which the private driveway provides access. Said instrument shall:
 - i. Be cross-referenced to the Simple Subdivision plat which the easement is associated;
 - ii. Grant the grantee the right to access the easement for purposes of accessing their lot;
 - iii. Specify the grantee’s financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements;
 - iv. Prohibit the grantee or any other person from placing any obstruction within the easement;
 - v. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
 - vi. Be enforceable by the parties to the easement and the County;
 - vii. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
 - viii. Provide for modification or termination in any manner stipulated by the Plan Commission;
 - ix. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established;
 - x. Include a metes and bounds description of the easement;
 - xi. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.
- 4. Long Driveways: Driveways greater than 250-feet in length, measured from the right-of-way line as proposed in the Shelby County Thoroughfare Plan to the garage of the last house utilizing the driveway, shall:
 - a. Comply with the long driveway requirements of *Section 5.19 E: Long Driveways*.
 - b. Include a 911 Address Sign for each lot utilizing the driveway adjacent to the public road that is 6”x18” or larger, double-sided, and reflective
- C. Additional Filing Requirements: In addition to the filing requirements listed in Section 9.14 D: *Filing Requirements*, the following shall be submitted with an application for Simple Subdivision:
 - 1. Documentation from the County Health Department stating that a suitable site for a septic system has been located as a result of a site evaluation and soil analysis.
 - 2. Simple Subdivisions including lots utilizing a private driveway on adjoining property:
 - a. Driveway plans in compliance with *Section 6.03 B 3: Private Driveway* shown on the Simple Subdivision plat.
 - b. Private Driveway Easement in compliance with *Section 6.03 B 3 d: Private Driveway Easement*. The Private Driveway Easement shall be recorded prior to issuance of an Improvement Location Permit for any lot gaining access through the easement.
 - 3. Simple Subdivisions including long driveways:
 - a. Driveway plans in compliance with *Section 6.03 B 4: Long Driveways* shown on the Simple Subdivision plat.

Definitions:

Lot, Flag: A lot have an interior area and a pole area which complies with *Section 6.03 A 4: Flag Lot Standards*. The interior area of the lot includes the portion of the lot having adequate width to meet the minimum lot width requirement of the zoning district, and yards and lots lines are included in the interior of the lot. The pole area of the lot includes the area between the public right-of-way and front lot line, or in a case where the property runs to the centerline of the street, the area between the centerline of the street and the front lot line.



Subdivision Exemptions

4. Exemptions: The following exemptions to the subdivision process shall apply. Any survey creating parcels by subdivision exemption shall reference the applicable exemption.
- a. Condominiums regulated by IC 32-35.
 - b. Any parcel in the A1 or A2 District being divided for agricultural purposes only and not for the purpose, whether immediate or future, for building development or other improvement for residential, commercial, industrial, recreational, or other non-agricultural purpose.
 - c. Boundary Line Adjustments: Any parcel being divided for sale, gift, or exchange between adjoining landowners for boundary line adjustment or for the combining with or adding to an existing adjacent parcel, provided no additional building sites are created and that all involved parcels and/or combined parcels after transfer shall comply with the following:
 - i. Boundary line adjustments involving parcels in the A1, A2, RE, R1, R2, and VR Districts, and not involving parcels in any other zoning district.
 - [a] The zoning of the new parcel(s) shall be assigned at the discretion of the Zoning Administrator based on lot area, excluding any area included in the pole of a flag lot, as follows:
 - Parcels 20-acres and greater: A1
 - Parcels less than 20-acres and at least 5-acres: A2
 - Parcels less than 5-acres and at least 2-acre: RE
 - Parcels less than 2-acres and at least 20,000 sq. ft: R1
 - Parcels less than 20,000 sq. ft. and at least 15,000 sq. ft: R2
 - Parcels less than 15,000 sq. ft. and at least 6,500 sq. ft: VR
 - [b] The new parcel(s) shall:
 - Comply with the minimum lot area, lot width, and lot frontage requirements of the assigned zoning district; or
 - Comply with *Section 6.03 Simple Subdivision Standards A: Lot Standards* and *Section 6.03 Simple Subdivision Standards B: Access Standards*.
 - ii. Boundary line adjustments involving parcels in the OP, A3, A4, M1, M2, MP, VM, IS, C1, C2, I1, I2, and HI Districts.
 - [a] New parcels(s) created from boundary line adjustments involving parcels in the same zoning district shall comply with the minimum lot area, lot width, and lot frontage requirements of the zoning district.
 - [b] The process outlined in *Section 9.18: Zoning Map Amendment (Rezoning)* shall apply prior to making any lot line adjustments between parcels in different zoning districts.
 - d. Any parcel being divided from a parent tract of at least twenty (20) acres, which had an existing residence located on the parcel prior to October 18, 2008. The new parcel with the existing structure and the remaining tract must meet all standards of the Unified Development Ordinance other than Minimum Lot Area. Any new parcel that does not meet minimum lot area for its zoning district, but which was subdivided through this exemption, will be considered a Legal Nonconforming Lot and may be developed as described in Article 8.05 A.
 - e. Any parcel being divided or acquired by a public agency or utility for a street or utility right-of-way or easement, other than those required for a subdivision as defined in the Unified Development Ordinance. Any remaining tract not meeting the standards of the Unified Development Ordinance subdivided through this exemption, will be considered a Legal Nonconforming Lot and may be developed as described in Article 8.05 A.

- f. Any parcel being divided into cemetery plots.
- g. Any parcel that is divided for purposes of mortgage or financial institution requirements where the ownership of the parent tract and the new parcel remain the same and no new building lot is created.
- h. Division of property which occurred on or before October 18, 2008. Any lot or parcel of record on October 18, 2008 not meeting the standards of the Unified Development Ordinance will be considered a Legal Nonconforming Lot and may be developed as described in Article 8.05 A.

Driveway Requirements

- C. Qualification as a Driveway: Any access facility used to convey motor vehicles, construction equipment, or farm equipment from a lot to a public street shall be considered a driveway except as described
 - 4. Single-Family Residential Developments: The access to five (5) or more single-family lots using a shared easement or similar legal arrangement shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.